

THE COMMONWEALTH

KENTUCKY LEGISLATURE.

IN SENATE.

FRIDAY, Feb. 5, 1858.

Prayer by Rev. Mr. HARRISON, of the Methodist church.

The Journal of yesterday was read by the clerk.

A MESSAGE FROM THE H. R. Feb. 5, 1858. Was received announcing the passage of a large number of bills some of which originated in the Senate; for the titles of these bills see H. R. proceedings of yesterday.]

PETITIONS AND REMONSTRANCES.

Were presented by Messrs. MATTHEWSON, SMITH, HEADLEY, HAYCRAFT, GILLIS SILVERTOOTH, and appropriately referred.

RESOLUTION.

Mr. WRIGHT offered the following resolution which was adopted.

That whereas a resolution has passed both Houses of the present General Assembly extending the session to the 15th February next, and doubts have arisen whether or not the time thus fixed refers to the present month, for remedy whereof.

Be it resolved, That the day of adjournment was intended to be the 15th of the present month.

PRIVILEGED MOTIONS.

Mr. ANDREWS moved a reconsideration of the vote rejecting a bill in relation to the marshal of the town of Brandenburg: reconsidered and the bill then passed.

Mr. ANDREWS moved that the disagreement of the Senate, to "a House bill to amend the law of jury trials and the effect of them in will cases," be withdrawn from the H. R.: negative.

A MESSAGE FROM THE GOVERNOR.

Was received by the hands of Mr. BIEB, assistant Secretary of State, announcing his approval of sundry bills which originated in the Senate.

REPORTS OF STANDING COMMITTEES.

Mr. PORTER, Circuit Courts—a bill adding Jackson county to the 12th judicial district.

Mr. GILLIS opposed the bill, he thought this country should be put on the 13th district.

Messrs. PORTER, GARRARD and IRVINE advocated the bill.

The bill was then passed.

Mr. PORTER, Circuit Courts—a H. R. bill to authorize the appointment of guardians ad litem by the clerks of circuit and chancery courts: passed.

Same—a H. R. bill to charter the Hopkinsville press printing company; with an amendment, the amendment was concurred in and the bill passed.

Same—a bill to charter the Bridgeport female institute: passed.

Same—a bill to amend the charter of the Versailles and Harrodsburg turnpike road company: passed.

Same—a H. R. bill to create the officers of police judge and marshal for the town of Burlington; with an amendment: amendment adopted and the bill passed.

Same—a bill to charter the Carrollton lodge, No. 134, of Ancient York Masons: passed.

Same—a bill authorizing justices of the peace to take depositions in certain cases: passed.

Same—a bill for the benefit of William Smith, clerk of the Grant circuit court: passed.

Same—a bill to regulate the time of holding the circuit courts in the 12th judicial district: passed.

Same—a bill for the benefit of Sligo division No. 18 sons of temperance in Henry county: passed.

Same—a H. R. bill requiring certain bonds to be recorded in circuit and chancery courts: passed.

Mr. WHITAKER, Circuit Courts—a bill establishing equity and criminal courts in the 7th, 9th, 10th, 11th, and 13th judicial districts in this Commonwealth.

Mr. TAYLOR advocated the bill.

Mr. WHITAKER and Mr. SUDDUTH, also advocated the bill briefly.

Before action on the bill the hour arrived for the SPECIAL ORDER FOR 11 O'CLOCK.

The bill to extend the charters of the Bank of Louisville, Bank of Kentucky, and Northern Bank of Kentucky, with the amendment offered by Mr. GROVER, and the amendment to the said amendment which was offered by Mr. FISK was taken up.

[See our report of yesterday, for the substance of Mr. FISK'S amendment.]

Mr. RIPLEY briefly opposed the amendment, and explained the evils which would be effected by the adoption of it.

Mr. FISK replied to Mr. RIPLEY, and advocated his amendment.

Mr. ANDREWS briefly replied to Mr. FISK. The vote was then taken upon the amendment and it was rejected: yeas 15, nays 21.

Mr. FISK then offered an amendment making the stockholders personally liable for the debts of the banks to an equal amount with their stock: rejected by yeas 14, nays 21.

Mr. FISK then offered an amendment requiring the banks to make and publish detailed reports of their business each month: rejected by yeas 16, nays 20.

Mr. FISK offered an amendment requiring all the stocks to be re-subscribed and is in effect making new banks.

Mr. TAYLOR raised a point of order, that this amendment was out of order, as it was entirely inconsistent with the original bill.

Mr. BRUNER, being in the chair, decided it in order as an amendment to an amendment.

The amendment was then rejected by yeas 12, nays 23.

Mr. FISK offered an amendment reserving the right to the Legislature to alter or amend the charter at pleasure: rejected, by yeas 16, nays 19.

Mr. RUST offered an amendment to the amendment of Mr. GROVER, making the stockholders liable for all the debts of the banks.

Mr. WRIGHT moved the previous question; which was sustained, by yeas 19, nays 17.

Mr. MARTIN moved to reconsider the vote ordering the previous question: carried by yeas 18, nays 17.

The motion was then withdrawn by Mr. WRIGHT.

Mr. RUST then advocated his amendment, and opposed the bank bill.

Mr. WHITAKER replied to Mr. RUST and opposed the amendment.

The hour for the regular orders of the day having arrived.

Mr. TAYLOR moved to suspend the orders to go on with the bank bill: carried, yeas 26, nays 9.

Mr. WHITAKER concluded his remarks.

The vote was then taken on Mr. RUST'S amendment, and it was rejected by yeas 13, nays 21.

Mr. SUDDUTH then offered the same amendment offered above except the part applying to other banks.

Mr. PORTER offered an amendment to the amendment requiring the reports of the banks to be published in two newspapers in Frankfort, one in Lexington and one in Louisville.

Mr. SUDDUTH accepted the amendment of Mr. PORTER.

The vote was then taken on the amendment of Mr. SUDDUTH as amended by Mr. PORTER; and it was adopted by yeas 20, nays 16.

Mr. SPEAKER, (KING), offered an amendment to require the Northern Bank to establish a branch at Paducah, with a capital of \$200,000.

Mr. ANDREWS moved to lay the bill and amendment on the table: negative, by yeas 9, nays 24.

The vote was then taken upon Mr. KING'S amendment, and it was adopted, by yeas 19, nays 15.

Mr. PORTER offered an amendment to only extend the charters 10 years.

Mr. ANDREWS moved the previous question, which was sustained, by yeas 24, nays 9.

The amendment of Mr. PORTER was then rejected, by yeas 11, nays 23.

The bill was then passed, by the following vote:

YEAS—Messrs. Speaker, (KING), Andrews, Bledsoe, Bruner, Buckner, Edwards, Gillis, Haycraft, Howard, Irvine, Mallory, McBrayer, McCreary, Porter, Ripley, Silvertooth, Smith, Taylor, Wait, Walton, Whitaker, Williams, Wilson, Wright—24.

NAYS—Messrs. Darnaby, Fisk, Garrard, Grover, Grundy, Headley, Matthews, Read, Rust, Sudduth—10.

The bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charters and rights of the Presidents, Directors, and Company of the Bank of Louisville shall continue in full force for the period of twenty years, from the first day of January, 1857, that the charters, privileges and rights of the Presidents, Directors, and Company of the Bank of Kentucky shall continue in full force for twenty years, from the first day of October, 1857, and that the charters, privileges and rights of the President, Directors, and Company of the Northern Bank of Kentucky, shall continue in full force for twenty years, from the first day of May, 1855. But said extensions of the charters of said Banks shall be subject to the restrictions and provisions of this act, to-wit:

First. Each of said Banks shall remain subject to all the limitations, restrictions, penalties, conditions, and laws, imposed on them by the respective acts for their incorporation, and the acts amendatory thereto.

Second. That the Legislature shall, at all times, have and retain the power of prohibiting the issue of bank notes under the charters of said Banks, to the amount of five dollars; and after the year 1875, shall have the power of prohibiting the issue of bank notes under the charters of said Banks to the amount of ten dollars.

Third. That within one year from the first of June, 1858, the Bank of Louisville shall establish a branch in the town of Glasgow, in the county of Warren, with a capital of not less than \$200,000; that the Bank of Kentucky shall establish a branch at the town of Columbus, in the county of Hickman, with a capital of not less than \$100,000; and that the Northern Bank of Kentucky shall establish a branch at the town of Burkesville, in the county of Cumberland, with a capital of not less than \$100,000.

Fourth. That if the stockholders of each of said Banks, at a stated or called meeting, to be held within thirty days of the first day of May, 1858, by a vote of the majority in interest of all the stockholders, shall agree to accept the provisions of this act at such meeting, the stockholders shall have the right of voting the stock of this Commonwealth in said Banks, either in person or by proxy; and he is hereby directed to vote in favor of accepting the provisions of this act. Each Bank, whose stockholders agree to accept the provisions of this act, shall become entitled to the benefit thereof, though one or both of the other Banks should not accept them. The President and Directors of each of said Banks, shall have the right to call a meeting of the stockholders for the purpose of voting on such vote is cast; and the voting shall be attested by the certificate and signatures thereto of a majority of the stockholders of each of said Banks, to-wit:

For the Bank of Louisville, by the President, and by the stockholders of either said Banks, to-wit: the President and Directors of either said Banks, to-wit: a proclamation, extending the charters of such accepting Banks for the periods named in this act.

That it shall be the duty of each of said Banks to report in each month to a board, composed of the Governor, Secretary of State, and Attorney General, a true and correct list of all bills of exchange and negotiable notes converted into bills of exchange, purchased by the principal bank, and each of its branches, during the preceding month; which list shall show the amount, time of maturity, place of payment, and date of purchase of each bill, together with the amount and rate of exchange over and above legal interest, which is discounted from, or charged on, each bill. Said list shall be verified by the affidavits of the Cashiers of the respective Banks and Branches, and shall be published in two newspapers published in Frankfort, one in Lexington, and one in Louisville, at the cost of the banks. But it shall not be necessary to publish the list of bills or notes, the amount of which only legal interest, and nothing for exchange, was discounted; nor shall the names of the parties to such bills be placed thereon.

5. It shall be the duty of said board to examine carefully said lists, and the rate of exchange charged by each bank, and if, in the opinion of the majority of said board, any bank shall have charged usurious interest, or undercolor of exchange, it shall be the duty of the Attorney General to make a motion, in the name of the Commonwealth, against such bank, for a judgment for the fine hereafter named, for such illegal charge; of said motion at least ten days' notice shall be given to said bank; and if, on the trial of said motion, it shall be adjudged that the bank has charged usurious interest, under color of a charge of exchange on any one or more of such bills or notes, the court shall render judgment against such bank, for a fine equal to the amount of such bills or notes. Either party may except to the judgment, and appeal therefrom to the Court of Appeals.

6. For a failure to report the lists, as required by the first section of this act, for the space of thirty days, the bank so failing shall pay a fine of five hundred dollars, to be recovered by motion, in the name of the Commonwealth, in the Franklin Circuit Court, at the next term of said court, to-wit: before the Legislature at every session, the lists so reported since the last session, with such report thereon as the court shall deem proper.

7. The notes of the banks of other States received or purchased by either of said banks or branches at a discount from the nominal value of such notes, shall be entered on said lists; and if it shall be sufficient to state the aggregate amount of such notes, and the aggregate amount, and the rate of discount, without naming each note, and where such notes have been received or purchased, it shall be stated on the lists whether such notes, have been or are intended to be returned to the banks issuing them, for redemption; or have been or are intended to be paid out by the bank or branch receiving or purchasing them; and if paid out, whether paid out at par, or at a discount.

8. That the President and Directors of the Northern Bank of Kentucky shall locate an additional branch at Paducah, in McCracken county, with a capital of \$200,000, and to enable them to do so, the capital stock of the Northern Bank is hereby increased the sum of \$200,000 over and above its surplus.

Mr. IRVINE moved to dispense with the rules to take up the bill to restrict the banks from taking usury under the color of exchange: carried, yeas 27, nays 7.

The Senate then took up "the bill to prevent the taking of usury under the color of exchange."

On motion of Mr. PORTER.

The bill was amended by requiring the reports of the banks to be published in two papers at Frankfort, one in Louisville and one in Lexington.

Mr. BUCKNER moved to amend by requiring the banks to report quarterly in place of monthly: rejected, by yeas 9, nays 25.

The bill was then passed by the following vote:

YEAS—Messrs. Speaker (KING), Bledsoe, Bruner, Buckner, Darnaby, Edwards, Fisk, Gillis, Grover, Grundy, Haycraft, Headley, Howard, Irvine, Mallory, Matthews, McBrayer, McKee, Porter, Read, Ripley, Rust, Silvertooth, Smith, Sudduth, Taylor, Wait, Walton, Whitaker, Williams, Wilson, and Wright—32.

NAYS—Messrs. Andrews, and Garrard—2.

[The bill is in substance the same as the 2nd, 3rd, 4th, 5th and 6th sections of the bill rechartering the banks—published above—it also includes deposit banks and savings institutions in its provisions.]

The Senate then took up the bill to authorize and increase in the capital of the commercial bank of Kentucky, and to allow two other branches.

Amended by making the increase \$500,000 instead of 600,000 as proposed in the bill.

Mr. FISK offered an amendment retaining the power to restrict the issue of small notes: adopted by yeas 29, nays 9.

Mr. GRUNDY offered an amendment fixing the places for the branches: rejected.

The bill was further amended by restoring \$60,000 as the increase in the capital stock.

The bill was then passed by the following vote.

YEAS—Messrs. Speaker (KING), Andrews, Bledsoe, Bruner, Buckner, Edwards, Fisk, Gillis, Haycraft, Howard, Irvine, Mallory, McBrayer, McKee, Porter, Read, Ripley, Rust, Silvertooth, Smith, Sudduth, Taylor, Wait, Walton, Whitaker, Williams, and Wilson—23.

NAYS—Messrs. Cosby, Garrard, Grover, Grundy, Headley, Matthews, Porter, Read, Silvertooth, Smith, and Wright—11.

LEAVE OF ABSENCE, &c.

Mr. COSBY had leave of absence for this day.

Mr. WILSON was added to the committee of Enrollments.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, Feb. 5, 1858.

Prayer by Rev. Mr. HARRISON, of the Methodist church.

The Journal of yesterday was read by the Clerk.

PETITIONS.

Were presented by Messrs. ANTHONY, A. H. FIELD, A. H. TALBOTT, HUEY, and NEW-CUM, which were received and appropriately referred.

RESOLUTIONS.

Mr. MACHEN read and laid on the table the following joint resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed and our Representatives requested to favor the immediate admission of Kansas into the Union, according to the recommendations of the President in his message of the 2d instant, upon an equal footing with the other States of the Union.

Resolved, That the dominant division of the people of the Territory of Kansas having elected a Governor and other State officers, together with a legislature, according to the provisions of the Lecompton Constitution, pledged to organize the Government as soon as admitted into the Union under said Constitution, and therefore provide for the calling of a Convention to amend or reconstruct said Constitution in accordance with the wishes of the people of said State. It is obvious that the immediate admission of the State will terminate all external agitation, and, in a short time, must bring quiet to that distracted people; whereas the refusal to admit the State as now proposed, would certainly increase the excitement and prolong agitation, which must be attended with serious evils, and might terminate in such civil every patriot would deplore.

Mr. HUSTON moved to dispense with the rule requiring joint resolutions to lie one day on the table.

Mr. STITT demanded the yeas and nays, which being taken, resulted, yeas 58, nays 32.

So the House refused to dispense with the rule.

REPORTS OF STANDING COMMITTEES.

Mr. GOODLOE, Claims—an act to improve the navigation of the Kentucky river.

The yeas and nays being taken on the passage of the bill, as required by the Constitution, were as follows: yeas 70, nays 15.

So the bill passed.

Also—an act for the benefit of S. W. Rennick, sheriff of Hickman county: passed.

Also—a bill appropriating money to the Eastern lunatic asylum.

[This bill appropriates \$18,000 for repairs and improvements, and \$19,500 for the purchase of a farm for said asylum.]

Mr. RUSSELL moved to strike out the clause appropriating \$19,500 for the purchase of a farm.

After a lengthy discussion,

Mr. RUSSELL demanded the yeas and nays, which resulted as follows:

YEAS—Messrs. Bates, Boorman, Brann, G. S. Caldwell, Dabney, Ellis, W. H. Hamilton, Hardy, Hayes, Jesse, McFar, McCracken, McCreary, Newcum, Newell, Parker, W. P. Payne, Roach, Roberts, Russell, Skee, Sterett, Stitt, and J. T. White—24.

NAYS—Messrs. Barbee, Barton, Belshe, Brown, Burns, J. L. Caldwell, Chamblin, Combs, Crawford, Crossland, Daily, Daniel, De Haven, Fleming, Drane, Eaves, Field, C. Field, Jr., Fleming, Moss, Goodloe, Gray, C. W. Ham, Hinton, Hunsford, Hensley, Hines, Huston, Jackson, Johnson, Kelsey, Kendall, Leathers, Lindsey, Lyne, Lyon, Machen, Marshall, McDaniel, Mitchell, Patton, R. Payne, Pennebaker, Rachford, Reid, Richardson, Seebree, Shanks, Shawhan, Smith, A. H. Talbott, C. P. Talbot, Thomas, Tully, Wilson, Winfrey, Winston, Woods, and Worthington—64.

So the House refused to strike the clause out.

The question recurring upon the passage of said bill, the yeas and nays were taken as required by the constitution, and resulted, yeas 56, nays 3.

So the bill passed.

A SPECIAL ORDER FOR 12 O'CLOCK, M.

A bill authorizing certain publications in the newspapers of this Commonwealth.

Mr. RICHARDSON advocated the passage of the bill.

Mr. LINDSEY proposed an amendment.

And then the House took a recess until 2½ o'clock, P. M.

AFTERNOON SESSION.

REPORT OF LOCAL BILLS.

Mr. COMBS, Internal Improvement—a bill concerning the chartered turnpike roads in Montgomery county: passed.

A bill to amend the charter of the Jeffersonville and Mt. Sterling turnpike road company: passed.

A bill to amend the charter of the Oregon turnpike road company: passed.

Mr. RICHARDSON, Education—an act for the benefit of common school district No. 18, in Laclede county: passed.

Also—an act to amend the charter of the Ashland female seminary; committee's amendment concurred in: passed.

Also—an act for the benefit of school district No. 13, in Henry county: passed.

Also—an act to incorporate the Danville seminary: passed.

Also—a bill to incorporate the Hustonville christian academy: passed.

Also—a bill to amend the charter of Bethel academy: passed.

Also—a bill to amend the charter of Minerva seminary: passed.

Also—a bill to charter Union college at Crittenden in Grant county: passed.

Also—a bill to incorporate the Little river academy: passed.

Also—a bill to amend the charter of the Covington library academy: passed.

Also—a bill to charter the Catlettsburg circulating library association: passed.

Also—a bill in relation to the Falmouth seminary: passed.

Also—a bill to modify the charter of the Trigg academy: passed.

Also—a bill for the benefit of R. D. Murray: passed.

Also—a second bill for the benefit of R. D. Murray, of Hart county: passed.

Also—a bill for the benefit of John Dils Jr.: passed.

Also—a bill in relation to the Louisville and Portland road company, and the Kentucky institution for the education of the blind: passed.

Also—a bill for the benefit of common schools in the city of Louisville: passed.

Also—a bill for the benefit of the Bracken academy.

Mr. G. W. HAMILTON proposed a substitute for said bill; which after a lengthy discussion was adopted.

The bill as amended then passed.

And then the House adjourned.

The New York Tribune has letters from its Utah correspondent, stating that Col. Johnston had paid Indians the handsome price of \$3 50 per pound for salt, having refused a wagon load, accompanied by an insolent letter, sent as a gift by Brigham Young. The Tribune says: The letter which Young sent with the salt was pretty well spiced with warlike menace, threatening to retaliate any harm done to the Mormon prisoners with the army upon prisoners in his hands. It is believed, in fact, that Brigham holds in this capacity no less distinguished a person than Col. Johnston, the ex-an ranger, who he seized in the autumn as he was on his way in the public service home from California.

A clergyman having written some observations on Shakespeare's plays, carried a specimen of his performance to Sheridan and desired his opinion. "Sir," said Sheridan, "you may spoil your own Bibles, if you please, but pray let ours alone."

AFFAIRS ON THE MEXICAN FRONTIER.—A correspondent of the Pennsylvania Inquirer, writing from Brownsville, Texas, says, Matamoros, on the Mexican side of the Rio Grande, opposite Brownsville, has pronounced against Comonfort, and his government. In this movement, Tamulipas is supported by New Leon, Coahuila, and San Luis, and as the interests of all these States are opposed to the high tariff which has been endeavored to be enforced on this frontier, I have no doubt they will be strongly united in any action they may take in this matter. You are probably aware that the tariff laws of Mexico have always been a dead letter on this frontier, it being the practice to introduce goods into the interior, not according to the legal duties, but by arrangement.

For instance, a merchant desires to pass, say \$20,000 worth of goods, he asks the officer of the customs what he will charge for the permission. He may perhaps take him \$2,000. The merchant will demur to this, but will give \$1,000, or keep his goods on his side. After some haggling, a bargain is made, and a permit is made out in proper form, so as to pass muster with all the government officials that may be met en route.

The question as to what are the legal duties on the kind of goods to be introduced, does not enter into discussion. It is well known that the merchant on this side of the river evades the duties, each one making the best bargain he can for himself.

A pronouncement is often so quiet a thing that outsiders can hardly realize that any important political change has taken place. It is all managed by a few leading and influential persons, and so quietly that the great masses of the people know nothing of it. A few merchants, with a few thousands, who enter into the matter as a speculation, and one or two military aspirants, can regulate the whole matter to suit themselves.

In the present movement at Matamoros, at the head of which is Col. Garcia, the military command, the great obstacle in the way of collecting men and arms in support of the party, is the want of money.

As the people were paid nothing in the last revolution under Vidaurri and Garza, they decline serving again unless paid for former services. In the meantime trade continues, and our merchants sell large amounts to Mexican traders, who pay in silver or gold. The mines of Mexico, within reach of the Rio Grande, are at present mostly in the hands of Americans, and worked by American capital. There is, on the score of mutual interest, a very strong feeling on both sides of the river in favor of annexing the country, as far West as the Sierra Madre, to Texas.

For the Commonwealth.

Orthopedic Surgery.

This term is applied by modern surgeons to that branch of their profession which relates to the treatment of distortions and deformations of the feet. The term "club foot" is familiar to all, and until recent times was regarded as incurable, and not even susceptible of the slightest alleviation.

By recent improvements in operative surgery the contracted tendons are cut with perfect safety, mechanical appliances, which if applied with skill overcome the distortions and restore the deformed members to their natural or normal condition. The surgical part of this procedure is simple and easy of execution, but the proper adjustment of the mechanical apparatus requires the greatest care, and perseverance with the most perfect knowledge of the anatomy of the parts involved.

We have recently witnessed a case of the worst form of congenital deformity in both feet, in a youth fourteen years old perfectly restored by the use of mechanical contrivances alone.

The case, after having undergone surgical treatment from several distinguished surgeons without success, was placed under the care of Professor Grant of this place, the well known principal of a high school for boys, and an ingenious practical civil engineer, who, by the use of mechanical contrivances alone has made one of the most successful cures to be found on record.

Eighteen months ago this youth was placed as a pupil in the school of Professor Grant who undertook, with the consent of the boy's father, to remedy the defect in his feet by the application of shoes ingeniously made and skillfully applied to them.

The treatment has been completely successful, the feet not only being straightened, but the youth is now acquiring an easy and graceful gait, with a rapid development of his hitherto withered and distorted lower extremities.

The management of the case reflects the highest credit upon the skill of Professor Grant and the successful issue is an evidence of his skill in the use of such appliances and knowledge, both anatomically and physiologically of the parts concerned.

S.

COURT OF APPEALS.

FRIDAY, Feb. 5, 1858.

CAUSES DECIDED.

Simpson v McElroy, (and vice versa) Marion; affirmed.

